HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.19436 of 1998

Dated 3rd day of April, 2007

Between:

Pragada Rama Durga Rao ..
Petitioner

And

The Sarpanch
Devulapalli Gram Panchayat
West Godavari District.
and two others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 1st respondent in encircling the petitioner's licenced barn and godown without issuing any notice and further threatening to demolish the godown and the barn covered in an extent of Ac.0.24 cents of land in S.No.173/1C situated in Devulapalli village, as arbitrary and illegal.

The facts of the case in brief are that the petitioner purchased an extent of Ac.05.00 cents of land in S.No.173/1C situated in Devulapalli village, West Godavari District in the year 1960, constructed a godown and a barn in Ac.0.24 cents out of the total extent, obtained a valid licence and since then he has been in continuous possession and enjoyment of them. Now, the petitioner's grievance is that the 1st respondent, without issuing any notice or affording any opportunity to put forth his version, is threatening him to vacate the premises immediately.

Heard the learned counsel for both the parties.

A counter affidavit is filed wherein it is stated that the petitioner purchased only an extent of Ac.4.25 cents of land in old S.No.180/P and New R.S.No.173/1 out of an extent of Ac.05.00 cents of land, and so far as the land in question i.e. Ac.0.24 cents is concerned, he is not the owner of it. In this regard, the 2nd respondent also produced a xerox copy of the sale deed.

Having regard to this dispute, this Court is of the view that this writ petition cannot be decided and the petitioner has to agitate his

rights in a competent Court of law.

Hence, I see no merits in this writ petition, and the same is accordingly dismissed. No costs.

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03.04.2007

bcj